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*Attorneys for Plaintiffs*

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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
SOUTHERN REGION OF THE CENTRAL DIVISION**

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CRYSTAL LAGOONS U.S. CORP. AND  
CRYSTAL LAGOONS TECHNOLOGIES  
INC.,

Plaintiffs,

vs.

DESERT COLOR MANAGER LLC,  
DESERT COLOR ST. GEORGE LLC, AJ  
CONSTRUCTION, INC., TRI-STATE  
VENTURES, LLC d/b/a CAREFREE  
HOMES – UTAH, COLE WEST HOME  
LLC, HOLMES HOMES, INC., SULLIVAN  
HOMES LLC, and PACIFIC AQUASCAPE  
INTERNATIONAL, INC.,

Defendants.

**CONSENT INJUNCTION**

Case No. 2:20-cv-00851-BSJ

Judge Bruce S. Jenkins

**JURY TRIAL DEMANDED**

THIS MATTER, Case No. 2:20-cv-00851 (the “Civil Action”), having been commenced by Plaintiffs Crystal Lagoons U.S. Corp. and Crystal Lagoons Technologies Inc. (“Crystal Lagoons”), by filing a Complaint on December 3, 2020, against the above Defendants including Defendants TRI-STATE VENTURES, LLC d/b/a CAREFREE HOMES – UTAH (“Carefree Homes”) and SULLIVAN HOMES LLC (“Sullivan”);

Defendants Carefree Homes and Sullivan having agreed and acknowledged service for the purposes of consenting to jurisdiction and enforcement by this Court;

The Defendants Carefree Homes and Sullivan, without admitting the allegations of the Complaint or Motion for Preliminary Injunction (ECF No. 10) for the purposes of this Consent Injunction (the “Consent Injunction”), except as to jurisdiction and venue, which they admit, consent to the entry of this Order and state that the consent is entered voluntarily;

Carefree Homes and Sullivan reserve all defenses other than those explicitly waived herein;

Plaintiffs and Defendants Carefree Homes and Sullivan having consulted independent legal counsel in connection with this Civil Action; and

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, and ORDERED AND ADJUDGED, and made effective as of this 7<sup>th</sup> day of January, 2021 as follows:

1. The Court has personal jurisdiction over each of the parties to this action. The Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) over the Lanham Act claims because the action alleges inter alia violations of federal statutes; and the Court has jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 over the state law claims because they arise out of the same nucleus of operative fact and are so related to the federal cause of action that they form the same case or controversy. Venue is proper in this judicial district under 28 U.S.C. § 1391

because Defendants Carefree Homes and Sullivan reside in this district, have their principal places of business here, or both. In addition, a substantial part of the events giving rise to the claims occurred in this district.

2. Defendants Carefree Homes and Sullivan consent to the jurisdiction of this Court to enter and enforce the Order against them, their officers, employees, servants, agents, licensees, attorneys, subsidiaries and assigns, and the parties hereby consent to the entry of this Consent Injunction.

3. The Court hereby directs an injunction in favor of Plaintiffs and against Defendants Carefree Homes and Sullivan in accordance with the terms herein.

4. Crystal Lagoons owns U.S. trademarks on the name “Crystal Lagoons®” and related terms, covering a wide range of goods and services. These include:

<b>Registration No.</b>	<b>Date of Registration</b>	<b>Trademark</b>
3,881,936	November 30, 2010	CRYSTAL LAGOONS
5,312,449	October 17, 2017	CRYSTAL LAGOONS
5,336,166	November 14, 2017	CRYSTAL LAGOONS WORLD’S TOP AMENITY
5,454,097	April 28, 2018	CRYSTAL LAGOONS
5,465,084	May 8, 2018	CRYSTAL LAGOONS
5,551,251	August 28, 2018	CRYSTAL LAGOONS WORLD’S BEST AMENITY
5,870,729	October 1, 2019	CRYSTAL LAGOONS
5,927,101	December 2, 2019	THE BEACH BY CRYSTAL LAGOONS

6,042,995	April 28, 2020	CRYSTAL LAGOONS
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(Registrations attached as Exhibit A).

In addition, Crystal Lagoons owns copyrights in the entire website at <https://www.crystal-lagoons.com>. Crystal Lagoons' copyrighted work includes all images, text, designs, flow and source code (collectively "Desert Color's Copyright IP") including but not limited to those images on Exhibit B.

Effective immediately, Defendants Carefree Homes and Sullivan, are enjoined and restrained and shall:

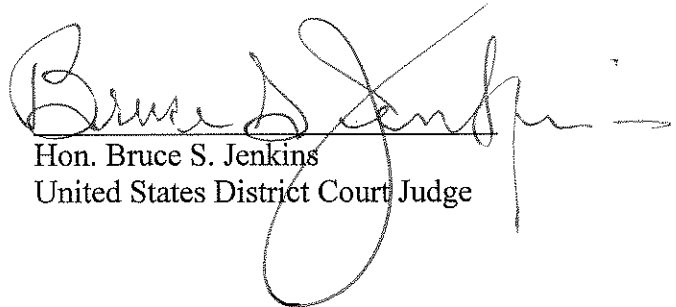
1. Cease all use of any kind of the CRYSTAL LAGOONS mark or substantially similar names or marks, including but not limited to the mark CRYSTAL in connection with any water amenity and those listed on Ex. A;
2. Remove, take down and destroy within 30 days any and all uses of CRYSTAL LAGOONS mark or substantially similar names or marks, including but not limited to the mark CRYSTAL in connection with any water amenity;
3. Cease all use of any kind of Crystal Lagoons' images, photographs, or renderings, including but not limited to those listed on Ex. B;
4. Remove, take down and destroy within 30 days any and all Crystal Lagoons Copyright IP including uses of images, photographs and renderings listed on Ex. B;
5. Instruct all third-party affiliates and partners to stop all use of the CRYSTAL LAGOONS mark or substantially similar names or marks, including but not limited to the mark CRYSTAL in connection with any water amenity, including but not limited to those listed on Ex. A., and stop all use of any kind of Crystal Lagoons' images, photographs, or renderings, including but not limited to those listed on Ex. B; and
6. Not use any flocculant to treat the lagoon water at Desert Color.

This Court shall retain jurisdiction of this matter for the purpose of enforcing the terms and provisions of this Consent Injunction.

This Consent Injunction resolves all claims for relief against Defendants Carefree Homes and Sullivan asserted in the Motion for Preliminary Injunction (ECF No. 10). Any and all remaining claims as between Plaintiffs and Defendants Carefree Homes and Sullivan as well as any claims against the other Defendants not addressed by this Consent Injunction which were raised in the Civil Action, are unaffected by this Consent Injunction and shall proceed.

IT IS SO ORDERED.

Dated: 1/11/21

  
Hon. Bruce S. Jenkins  
United States District Court Judge

## CONSENT

The foregoing Consent Injunction is approved as to form and substance, and the entry thereof without further notice is hereby consented to, and the respective parties have agreed to waive, and do hereby waive, all rights of appeal which they, or any of them, may have from said Consent Injunction.

Date: January 7, 2021

By: /s/ Stephen M. Sansom

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*Counsel for Plaintiffs*  
*Crystal Lagoons US Corp and Crystal Lagoons*  
*Technologies, Inc.*

Date: January 7, 2021

By: /s/ Curtis M. Jensen (signed with permission)

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*Counsel for Defendant Tri-State Ventures,*  
*LLC dba Carefree Homes – Utah*

Date: January 7, 2021

By: /s/ Robert M. Jensen\*

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*\*signed electronically with  
permission*

*Counsel for Defendant Sullivan Homes LLC*

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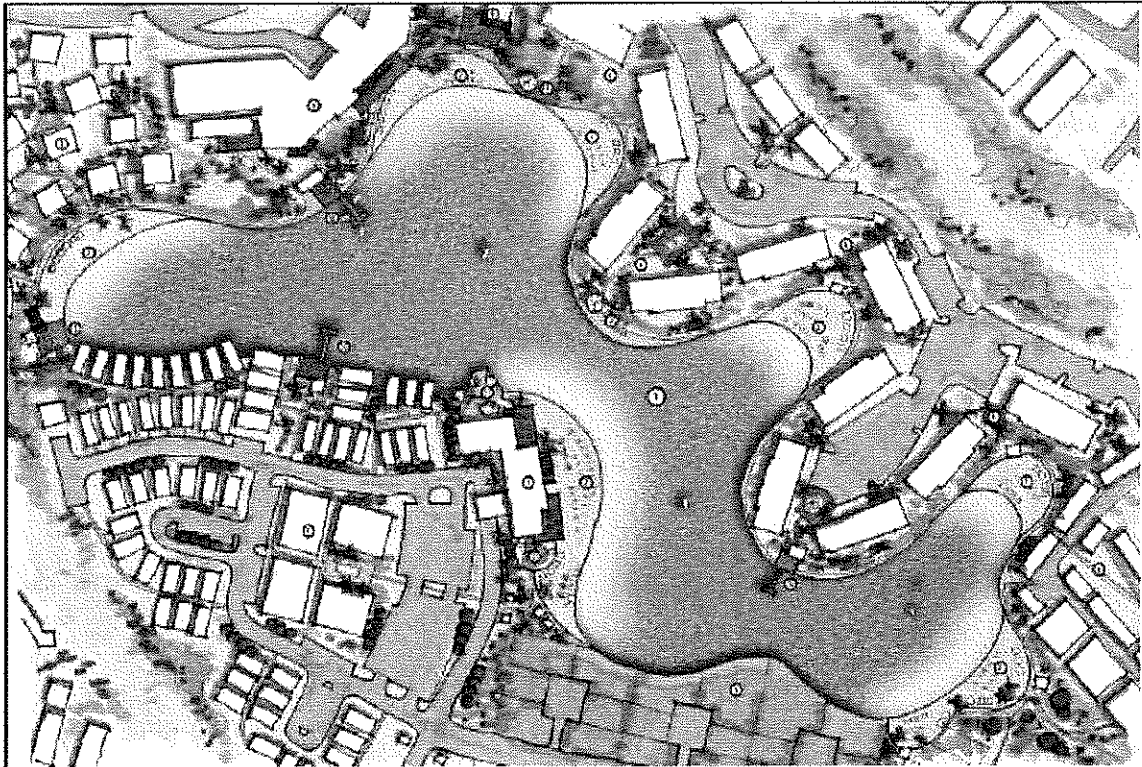
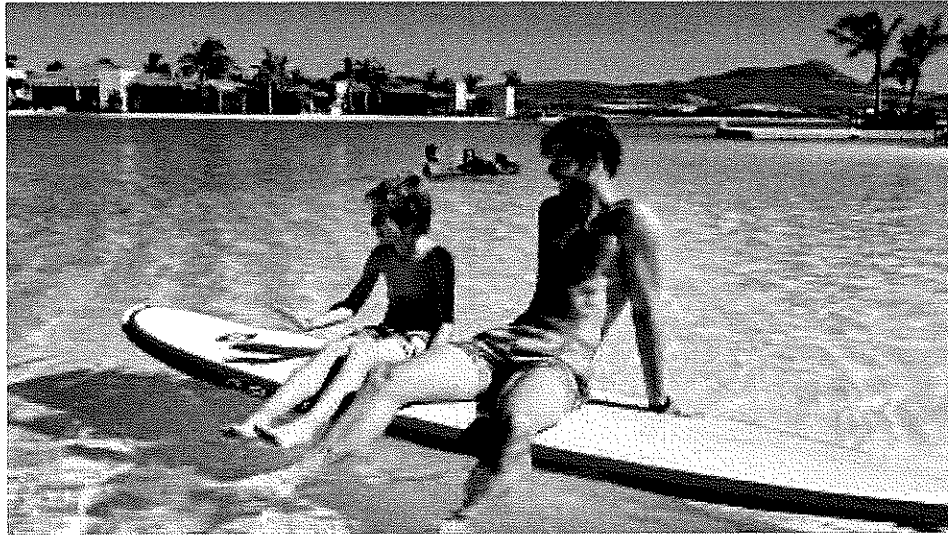
# **EXHIBIT A**

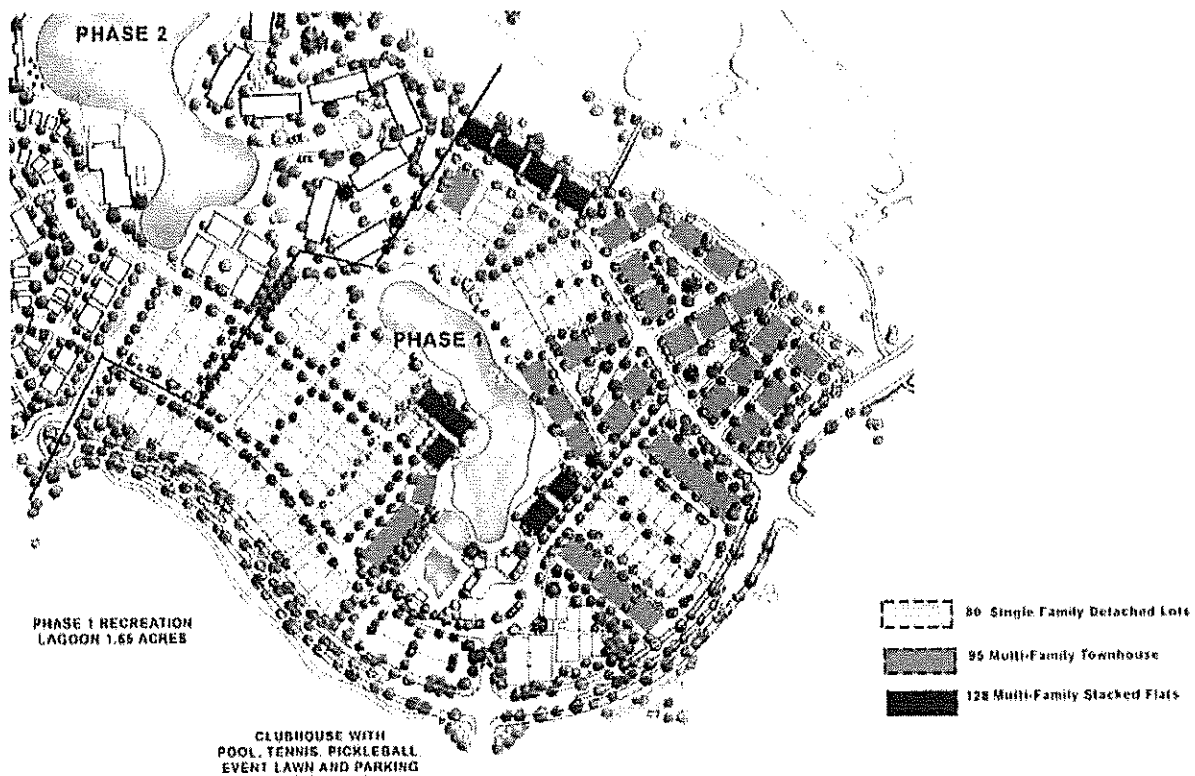


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## **EXHIBIT B**







All other images and text found at: [www.crystal-lagoons.com](http://www.crystal-lagoons.com)